

REMARKS

This is a full and timely response to the outstanding Non-Final Office Action mailed January 28, 2010. The Examiner is thanked for the thorough examination of the present application. Upon entry of this response, claims 1, 2, 5-7, 10, 13, 16-18, 51-57 and 61-66 are pending in the present application. Applicant respectfully requests consideration of the following remarks contained herein. Reconsideration and allowance of the application and presently pending claims are respectfully requested.

I. Specification

The patent examiner has objected to the applicant's disclosure because the specification filed on 9/30/2006 does not include headings for each of the different sections in the specification. In response, the applicant has amended the specification to include section headings and this objection should now be withdrawn.

II. Claim objections

The patent examiner has objected to Claims 10, 18, and 63 because the claims include the limitation "and/or." In response, the applicant has amended these claims to remove this limitation. Accordingly, this objection should now be withdrawn.

III. Response to Claim Rejections Under 35 U.S.C. § 102 and 35 U.S.C. § 103

The patent examiner has rejected Claims 7, 10, 51-54, 57, and 62-63 under 35 U.S.C. §102(b) as being anticipated by Lekowski; Claims 1, 2, 5, 6, 55, and 56 under 35 U.S.C. §103(a) as being unpatentable over Lekowski in view of Spears; Claims 17, 58 and 61 under 35 U.S.C. §103(a) as being unpatentable over Lekowski in view of Maass; and Claim 18 under 35 U.S.C. §103(a) as being unpatentable over Lekowski in view of Beaver. The applicant respectfully

traverses these rejections because the references relied upon by the patent examiner do not teach or suggest each and every limitation required by these claims. In order to advance the prosecution of this case, however, the applicant has amended these claims to include limitations that are not taught or suggested by these references. Accordingly, the rejections should be withdrawn.

Claim 1 has been amended to indicate that the first and second retention members are connected to one or more flexible tensioning means that extend from the frame; the foil, flexible tensioning means, and frame lie in a common inclined plane; and the tension on the foil is applied in the plane of the flexible tensioning means and the foil. None of the references cited by the patent examiner teach or suggest these features and, accordingly, this claim is now in condition for allowance.

The patent examiner acknowledges on page 10 of the office action that Lekowski does not teach these features and argues instead that the features are taught by Maass. In support of this position, the patent examiner cites elements 20 and 24 in Fig. 5 and column 3, line 20 of Maass. The applicant respectfully notes that elements 20 and 24 in Fig. 5 of Maass are not flexible tensioning means as required by amended Claim 1. Element 20 is the foil and element 24 is the winding tube for the foil (see col. 3, ll. 58-60 and col. 4, ll. 49-51 of Maass). There is no indication in Maass that winding tube 24 is, or includes, any type of flexible tensioning means.

The applicant also notes that even if winding tube 24 were considered to be a flexible tensioning means there is no teaching in Maass that the foil, winding tube 24, and frame lie in a common inclined plane or that the tension applied to the foil is applied in the plane of the flexible tensioning means and the foil as required by this claim. In this regard, the applicant notes that Lekowski specifically teaches the use of a tensioning means that allows tension to be applied to the foil in a plane other than the plane of the tensioning means and foil as required

by this claim. As shown in Fig. 4 of Lekowski, retention members 84 and 86 can be pivoted to the left or right by actuator 92. When that happens, tension is applied to the foil in a plane other than the plane of the tensioning means and foil and this can cause the foil to rip or tear. Thus, even if the teachings of Lekowski and Maass are combined together, the resulting combination does not include a foil, flexible tensioning means, and frame lying in a common inclined plane or apply tension on the foil in the plane of the flexible tensioning means and the foil as required by this claim.

Claim 1 is also patentable over the cited references because it indicates that at least one of the first and second retention members includes an abrasive coating arranged to contact the screen. On page 7 of the office action, the patent examiner acknowledges that Lekowski does not teach this feature, instead arguing that this feature is taught by Spears and that it would have been obvious to combine the teachings of Spears with Lekowski to obtain the invention covered by Claim 1. The applicant respectfully disagrees.

While it is true that Spears arguably teaches the use of an abrasive coating, there is no teaching or suggestion in either Lekowski or Spears that it would be beneficial to use a retention member that includes an abrasive coating as required by this claim. Moreover, Lekowski teaches the use of a screen made out of a semi-transparent film such as Mylar®. It is well known in the relevant art that these types of films are fragile and can be damaged by abrasive surfaces. Thus, one of ordinary skill in the art would not have been motivated to modify Lekowski to include an abrasive surface because such a surface might damage the screen. The applicant's decision to use an abrasive surface on at least one of the retention members was counter-intuitive to the knowledge of one of ordinary skill in the art at the time of the applicant's invention.

Claims 2, 5, and 6 are dependent claims that depend from amended claim 1 and include all of the limitations of that claim. Accordingly, these claims are now in condition for allowance as well.

With respect to Claim 7, the applicant has amended this claim to indicate that at least one of the first and second retention members is attached to tensioning straps. As acknowledged by the patent examiner on page 11 of the office action, this feature is not taught by any of the cited references and, as a result, amended Claim 7 is now in condition for allowance.

Claims 10, 13, and 16-18 are dependent claims that depend, either directly or indirectly, from amended claim 7 and include all of the limitations of that claim. Accordingly, these claims are now in condition for allowance as well.

Claim 51 has been amended so that it is now essentially Claim 59 rewritten in independent form including all of the limitations of its base claim, which was Claim 51, and any intervening claims, which included Claim 58. On page 11 of the office action, the patent examiner indicated that Claim 59 rewritten in this manner would be allowable so the applicant respectfully submits that this claim is now in condition for allowance.

Claims 52-54 and 57 all depend, either directly or indirectly, on amended Claim 51 and include all of the limitations of that claim. Accordingly, these claims are now allowable for the same reason that amended Claim 51 is allowable.

Claim 61 has been amended to include all of the limitations of its base claim, which was Claim 51, and to indicate that the first and second retention members are connected to one or more flexible tensioning means that extend from the frame; the foil, flexible tensioning means, and frame lie in a common inclined plane; and the tension on the foil is applied in the plane of the flexible tensioning means and the foil. As indicated above with respect to Claim 1, these

features are not taught or suggested by the references cited by the patent examiner and this claim is now in condition for allowance.

Claim 61 is also allowable because it requires a plurality of fixing means that pass through the first retention member **and through the screen**. The applicant respectfully submits that none of the references cited by the patent examiner teach or suggest this feature.

The patent examiner cites element 90 in Fig. 4 and elements 55 and 66 in Fig. 3 of Lekowski in support of the position that Lekowski teaches the use of a plurality of fixing means that pass through the first retention member and through the screen. The applicant respectfully points out that Figs. 3 and 4 of Lekowski, and the associated text in the specification of Lekowski, do not show the fixing means passing through the screen as required by this claim. Thus, the applicant submits that Lekowski does not teach this feature.

Claims 62-66 all depend, either directly or indirectly, on amended Claim 61 and include all of the limitations of that claim. Accordingly, these claims are now allowable for the same reason that amended Claim 61 is allowable.

CONCLUSION

Applicant respectfully submits that all pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephone conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

No fee is believed to be due in connection with this amendment and response to Office Action. If, however, any fee is believed to be due, you are hereby authorized to charge any such fee to deposit account No. 20-0778.

Respectfully submitted,

/Larry W. Brantley/

Larry W. Brantley
Reg. No. 46,052

**THOMAS, KAYDEN, HORSTEMEYER
& RISLEY, L.L.P.**
600 Galleria Parkway SE
Suite 1500
Atlanta, Georgia 30339
(770) 933-9500